

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MATTHEW G. SILVA,

Plaintiff,

v.

CHRISTINE GREGOIRE, *et al.*,

Defendants.

CASE NO. C05-5731RJB

ORDER ADOPTING REPORT
AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation of United States Magistrate Judge Karen L. Strombom. Dkt. 50.

I. FACTUAL AND PROCEDURAL BACKGROUND

Plaintiff Mr. Silva filed a Motion for Extension of Time to File Objections that was not entered until after the Report and Recommendation was adopted. In the interest of fairness, the Court vacated the Order Adopting Report and Recommendation (Dkt. 52), and Mr. Silva was allowed until October 24, 2006, to file objections. Dkt. 68.

Mr. Silva has since filed several documents but no objections.

II. DISCUSSION

As detailed in the Report and Recommendation, Mr. Silva fails to allege personal participation of defendant Governor Gregoire in support of his claims under 42 U.S.C. §1983.

1 Mr. Silva has filed a Motion for Leave to Amend. Dkt. 71. The proposed Second Amended
2 Complaint does not address the deficiencies noted in the Report and Recommendation. *See* Dkt.
3 71-2. To the extent that the Motion for Leave to Amend may be considered an objection to the
4 Report and Recommendation, the plaintiff fails to address the analysis set forth in the Report and
5 Recommendation. The Court should therefore adopt the Report and Recommendation and
6 dismiss the claims against Governor Gregoire.

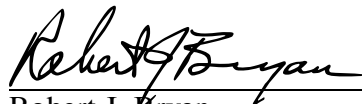
7 **III. ORDER**

8 Therefore, it is hereby

9 **ORDERED** that the Report and Recommendation (Dkt. 50) is **ADOPTED**, and all claims
10 against defendant Governor Gregoire are **DISMISSED WITH PREJUDICE**. This matter is **RE-**
11 **REFERRED** to the Hon. Karen L. Strombom.

12 The Clerk of the Court is instructed to send uncertified copies of this Order to all counsel
13 of record and to any party appearing *pro se* at said party's last known address.

14 DATED this 7th day of November, 2006.

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17 Robert J. Bryan
United States District Judge
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